

Congress of the United States

Washington, DC 20510

July 7, 2021

The Honorable Xavier Becerra
Department of Health and Human Services
200 Independence Avenue, Southwest
Washington, D.C. 20201

Dear Secretary Becerra:

We urge you to clarify and issue guidance that federally funded or federally administered health insurers must cover *all* pregnancy and pregnancy-related services, including coverage of maternity care for dependents.

The *Affordable Care Act* (ACA) was instrumental in expanding access to and improving the quality of insurance coverage for pregnant and birthing people. Prior to the ACA, most individual market plans did not include any maternity care, while other insurers sold separate maternity coverage for an additional fee. The ACA resulted in the uninsured rate among new mothers decreasing by 41 percent between 2012-2013 and 2015-2016.

About 4.2 million women ages 19 to 25 have coverage as dependents on their parent's employer insurance plan. Many women give birth to their first child in this age range: almost half of women with some college education have children before 25 and the median age to have children is 24 for women with a high school diploma or less. Although most job-based health plans must cover pregnancy-related care for employees and their spouses, the Department of Health and Human Services (HHS) should make clear that insurance companies covered by the ACA must provide all aspects of maternity coverage to dependent children.

Routine tests and services, including chromosomal screenings and ultrasounds for office visits, as well as labor and delivery costs, are not routinely covered for adult dependents. A North Carolina state health plan for 2021, for example, even specifically excludes maternity care for dependent children. This requires pregnant people to pay out of pocket for these services, and some of these costs can be crippling. The average hospital bill for a vaginal delivery costs \$30,570, while those who undergo a C-section delivery stay in the hospital an average of three days and on average are billed \$47,360.

Section 1557 of the ACA broadly prohibits sex discrimination and applies to most health insurance companies, which are considered "covered entities" because they receive federal financial assistance through various programs, including the premium tax credits. While the *Pregnancy Discrimination Act* only applies to employees and their spouses, Section 1557 prohibits exclusion of maternity care for dependents of any covered health insurer because it prohibits sex discrimination against all enrollees and beneficiaries. By failing to cover maternity

care for dependent children, insurers would be denying coverage on the basis of sex as only women incur the costs of bearing children.

Furthermore, removing this discriminatory policy would disproportionately benefit communities of color. Black women are more than three times more likely to have a maternal death than white women in the United States and research has shown that allowing young adults to stay on their parents' health insurance plans until age 26 is associated with increased early prenatal care, more adequate prenatal care, and a lower rate of preterm birth.

Finally, in 2015, HHS clarified that plans covering dependent children needed to cover pregnant individuals' preventive care services, including prenatal care, for the dependent child. It would be illogical and contrary to the ACA to require coverage of some costs, including prenatal care, but not the most significant costs, including those for labor and delivery.

We applaud the Biden Administration's work to expand access to healthcare during the COVID-19 pandemic. We urge you to continue your work and issue further guidance that *all* costs related to pregnancy should be covered for insured individuals' dependent children.

Thank you for your consideration.

Sincerely,



Eric Swalwell
Member of Congress



Bonnie Watson Coleman
Member of Congress



Jim Cooper
Member of Congress



Jerry Nadler
Member of Congress



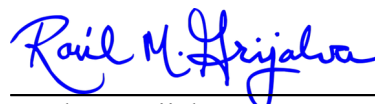
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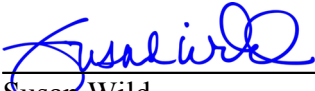
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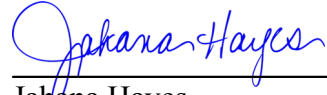
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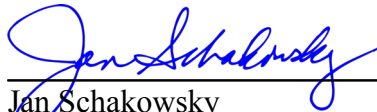
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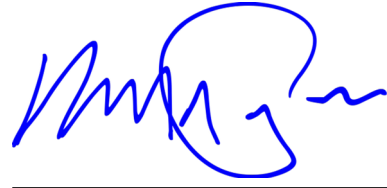
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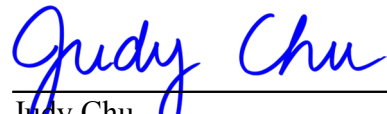
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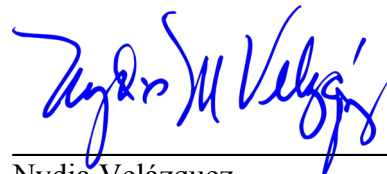
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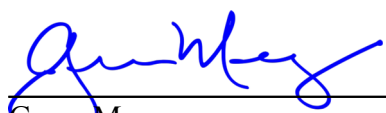
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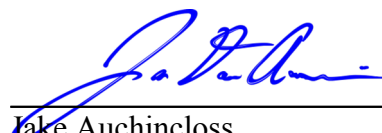
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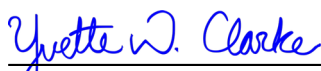
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